

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

YVETTE LABOSSIERE AND ANTHONY
MOMPEROUSSE

Plaintiffs,

v.

PHH MORTGAGE CORPORATION,
SELENE FINANCE LP, BLUEWATER
INVESTMENT HOLDINGS, LLC, U.S.
BANK NATIONAL ASSOCIATION,
INDIVIDUALLY AND AS TRUSTEE FOR
BLUEWATER INVESTMENT TRUST 2017-
1,

Defendants.

CIVIL ACTION NO. 1:18-cv-12719-JBS-KMW

Civil Action

RESPONSE TO MOST RECENT ORDER TO SHOW CAUSE

The most recent order from the court asked that Plaintiff's counsel specifically address: (1) "the form of the pleading insofar as it presently is not "short and plain," Fed. R. Civ. P. 8(a)(1)-(2), nor is it "simple, concise, and direct." Fed. R. Civ. P. 8(d)(1). Moreover, while allegations of fraud must be pled with particularity, Fed. R. Civ. P. 9(b), the particularity requirement is not an invitation to include "redundant, immaterial, [or] impertinent . . . matter[s]." Fed. R. Civ. P. 12(f)(1) (allowing the Court to *sua sponte* strike such matters)." (2) Whether the claims were "were reasonably investigated as to both their legal and factual viability before the Complaint in this case was filed." and (3) "Lastly, any request to extend the time for service shall be raised by motion pursuant to Fed. R. Civ. P. 4(m)."

As to the first and third points, the motion that was submitted along with this response should respond to those issues. The Amended Complaint seeks to clarify all claims in light of those rules highlighted, and being as "simple, concise, and direct" and excludes "redundant, immaterial, [or] impertinent . . . matter[s]." As such, while the prior complaints statements were considered accurate based on the research performed by Plaintiff's counsel, these statements now focus much more on the most important factors. Further, the claims were consolidated as well, to focus on the most important and strongest issues of the case.

As to the second point, Plaintiffs' counsel did substantial research on these issues, both factually and legally.

Plaintiffs' counsel has reviewed the facts at length with Plaintiffs, independently confirmed the facts accurate based on a review of all relevant dockets, public records, third party sources, consent orders, judgments and has independently confirmed all relevant public records. Further, Plaintiffs' counsel has reviewed the relevant cases and rules that are applied in the complaint, and is comfortable that the claims are not only substantiated, but can proceed as now argued in the amended complaint. As such, we ask the court to grant the motion, permit the complaint to be amended, and allow this case to proceed on its merits.

Respectfully,

Date: January 9, 2020

/s/ Joshua Thomas

Joshua Thomas
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WILLIAM BARKSDALE, JR., et al.

PLAINTIFFS,

v.

BANK OF AMERICA, NATIONAL
ASSOCIATION, et al.

DEFENDANTS

Civil No. 1:19-CV-17544-RMB-JS

CERTIFICATION OF SERVICE

I hereby certify that on this date, I caused to be served, via e-filing and/or via USPS regular mail, the attached documents with the U.S. District Court for the District of New Jersey.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: January 9, 2020

/s/ Joshua Thomas

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